

ROTH | ROUSSO | KATSMAN

LLP | ATTORNEYS AT LAW

April 15, 2008

Submitted By Electronic Mail Only – CrottyNYSDChambers@nysd.uscourts.gov

Hon. Paul A. Crotty
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl St. Rm 735
New York, NY 10007

RE: Omar Castorino v. Citibank, N.A. – 07 Civ. 10606 (PAC) – Plaintiff Omar Castorino's Request for Enlargement of Time to Serve Response to Defendant Citibank, N.A.'s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12 (b) (6).

Dear Judge Crotty:

We are co-counsel with Fisher & Mandell, LLP, to plaintiff Omar Castorino, having been admitted pro hoc vice on February 28, 2008. We write pursuant to Rule 1E of this Court's Individual Practices to request an enlargement of time through May 1, 2008 for which to serve a response to Defendant Citibank, N.A.'s Motion to Dismiss pursuant to Fed. R. Civ. P. 12 (b) (6). Because the undersigned is uncertain as to whether this letter is sufficient to satisfy Rule 1E of this Court's Individual Practices, enclosed please find Plaintiff's Un-Opposed Motion to Extend Response Date to Defendant Citibank's Motion to Dismiss along with a Proposed Order.

On February 28, 2008, at the Pre-Motion Conference, the Court announced the schedule on Defendant's Motion to Dismiss. Accordingly Citibank's Motion to Dismiss was due on or before March 31, 2008, Plaintiff was to file its response on or before April 21, 2008, and Citibank's reply was to be filed on or before May 5, 2008. At this time, Plaintiff respectfully requests an enlargement of time to respond to Defendant's Motion to Dismiss up to and including May 1, 2008. Further, to accommodate Defendant, we respectfully request an enlargement of time for Defendant to serve its reply to our response up to and including May 15, 2008.

The Court should take note this is Plaintiff's first request for an enlargement of time. Plaintiff's counsel has consulted with counsel for the Defendant, Mr. Glickman, Esq., concerning the foregoing request and is authorized to represent to the Court that Defendant consents to Plaintiff's request for an enlargement of time to respond to Defendant's Motion to Dismiss through and including May 1, 2008. Further, Defendant's counsel has consented to an enlargement of time for Defendant to serve its reply to our response up to and including May 15, 2008.

We look forward to the Court's response.

Respectfully submitted,


George A. Minski, Esq.

CC: Barry J. Glickman, Esq. and Bryan D. Leinbach, Esq., of Zeichner Ellman & Krause LLP (by electronic mail)
Barry R. Fischer, Esq., of Fischer & Mandell LP (by electronic mail)

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OMAR CASTORINO,

CASE NO: 07 Civ. 10606 (PC)

Plaintiff,

v

CITIBANK N.A.,

Defendant.

PLAINTIFF'S UNOPPOSED MOTION FOR ENLARGEMENT OF TIME
TO RESPOND TO DEFENDANT CITIBANK, N.A.'S MOTION TO DISMISS PURSUANT TO
FED. R. CIV. P. 12 (B) (6)

Comes Now, Plaintiff OMAR CASTORINO, by and through its undersigned counsel, and pursuant to FED. R. CIV. P. 6 (b) and Rule 1E of this Court's Individual Practices hereby files this Unopposed Motion for Enlargement of Time to Respond to Defendant Citibank, N.A.'s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12 (b) (6), and in support thereof alleges as follows:

1. On February 28, 2008, at a Pre-Motion Conference, the Court announced the schedule on Defendant's Motion to Dismiss.
2. The Court ordered Citibank's Motion to Dismiss due on or before March 31, 2008, Plaintiff's Response to Citibank's Motion to Dismiss due on or before April 21, 2008, and Citibank's Reply to Plaintiff's Response due on or before May 5, 2008.
3. Plaintiff respectfully requests an enlargement of time to respond to Defendant's Motion to Dismiss up to and including May 1, 2008.
4. The Court should take note this is Plaintiff's first request for an enlargement of time.
5. Plaintiff's counsel has consulted with counsel for the Defendant, Mr. Glickman, Esq., concerning the foregoing request and is authorized to represent to the Court that Defendant consents to Plaintiff's request for an enlargement of time to respond to Defendant's Motion to Dismiss through and including May 1, 2008.

6. Plaintiff would show that this request is filed in good faith and not an attempt to intentionally delay the orderly prosecution of this matter.
7. Plaintiff would also show that the granting of this motion would not prejudice the Defendant's interest in any way, but its denial would severely prejudice the Plaintiff.
8. To accommodate Defendant, Plaintiff respectfully requests an enlargement of time for Defendant to serve its reply to Plaintiff's response up to and including May 15, 2008.

WHEREFORE, based on the foregoing, Plaintiff OMAR CASTORINO respectfully requests that this Honorable Court enter an order granting Plaintiff additional time to serve its response to the Defendant Citibank, N.A.'s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12 (b) (6) up to and including May 1, 2008 and grant any such other relief the Court may deem necessary and appropriate.

Dated: Aventura, Florida
April 16, 2008

ROTH, ROUSSO & KATZMAN LLP



By: _____

George A. Minski, Esq.
Florida Bar Number: 724726
Attorney for the Plaintiff
Admitted Pro Hoc Vice on February 28, 2008
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Barry R. Fischer, Esq.
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New York, New York 10036
Attorney for the Plaintiff (Co-Counsel)

TO: ZEICHNER ELLMAN & KRAUSE LLP
Barry J. Glickman, Esq. and Bryan D. Leinbach, Esq.,
575 Lexington Avenue
New York, New York 10022
Attorneys for Defendant Citibank

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OMAR CASTORINO,

CASE NO: 07 Civ. 10606 (PC)

Plaintiff,

v

CITIBANK N.A.,

Defendant.

AGREED ORDER ON PLAINTIFF'S UNOPPOSED MOTION
FOR ENLARGEMENT OF TIME TO RESPOND TO DEFENDANT CITIBANK, N.A.'S
MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12 (B) (6)

This cause having come before the Court on Plaintiff OMAR CASTORINO'S Unopposed Motion for Enlargement of Time for Plaintiff to Respond to Defendant Citibank, N.A.'s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12 (b) (6) and the Court having reviewed the file and being informed of the parties agreement, it is ORDERED AND ADJUDGED as follows:

1. Plaintiff OMAR CASTORINO's Unopposed Motion for Enlargement of Time to Response to Defendant Citibank, N.A.'s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12 (b) (6) is hereby GRANTED.
2. Plaintiff OMAR CASTORINO'S Response to Defendant Citibank, N.A.'s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12 (b) (6) is now due on or before May 1, 2008.
3. Defendant CITIBANK N.A.'S Reply to Plaintiff OMAR CASTORINO'S Response to Defendant Citibank, N.A.'s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12 (b) (6) shall be due on or before May 15, 2008.

DONE AND ORDERED in Chambers, New York, New York this ____ day of April, 2008.

THE HONORABLE PAUL A. CROTTY
UNITED STATES DISTRICT COURT JUDGE
FOR THE SOUTHERN DISTRICT OF NEW YORK

Copies furnished to:

Barry J. Glickman, Esq. and Bryan D. Leinbach, Esq., of Zeichner Ellman & Krause LLP
Barry R. Fischer, Esq., of Fischer & Mandell LP
George A. Minski, Esq., of Roth, Rousso & Katsman, L.L.P.